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FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2332 OF 2005

 Office notes, office :
 Memoranda of Coram, :
 appearances, Court's : Court's or Judge's Orders
 orders or directions :
 & Registrar's orders. :

Mr. A. M. Saraogi for petitioner

Mr.A.M. Shingarpure APP for R-1

Mr. J. S. Kini for R-2

**CORAM: SMT. RANJANA DESAI &
 ANOOP V. MOHTA, JJ.**

DATED: 18/10/2005

P.C.:-

In this writ petition the petitioner has prayed for quashing of F.I.R. No. MCR/1/2005 registered by respondent 1 on the complaint of respondent 2 Jayesh C. Mirani, which has been referred to them under the provisions of Section 156(3) of the Code of Criminal Procedure.

2. We have heard the learned counsel appearing for the petitioner at considerable length. He submitted that the first F.I.R. is registered

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by the Mulund Police Station on 26/6/05. It was filed by the same complainant Jayesh Mirani i.e. under Section 306 r/w 34 I.P.C.

3. The learned counsel contended that a bare perusal of the said F.I.R. indicates that there were allegations which were similar to the allegations made in the second complaint dated 15/7/05, on which second F.I.R. dated 21/9/05 is registered. The learned counsel contended that filing of second F.I.R. is intended to see that the petitioner is not released on bail.

4. He submitted that respondent 2 is bent upon causing harassment to the petitioners and, therefore, this court should quash the F.I.R. No. MCR/1/2005. We are unable to do so.

5. While the first F.I.R. is under Section 306 r/w 34 of the I.P.C., the 2nd F.I.R. discloses offences under Section 408, 409, 420, 465, 467, 468, 471, 201, 120 B read

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with Section 34 of I.P.C. It does appear that in the 2nd F.I.R. certain more facts which are not mentioned in the 1st F.I.R., have been stated. There is an allegation that the accused have cheated various banks such as UCO Bank, Syndicate Bank, HDFC Bank, Central Bank of India, Bank of India by preparing the fake, false, forged and fabricated documents and have cheated these banks to the tune of Rs.15 crores.

6. In such matter we would not like to interfere with the order passed by the learned Magistrate and quash the F.I.R. in question. We will have to, therefore, reject the petition and it is rejected as such.

7. At this stage, we may only express that we expect the police to carry out fair investigation. We make it clear that we have not expressed any opinion on merits of the case of either side.

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